

NAME OF CLAIMANT

#325 - Miller, R. T.

Number of Acres: 507

Location: Black Rock Springs just under Main Blue Ridge. Mostly in Rockingham and partly in Augusta. Paines Run near Black Rock Gap. Includes hollow between Frayfoot Mountain and Albemarle County line.

Roads: Eight to nine miles rough mountain road to Grottoes.

Soil:

History of Tract and condition of timber: (See reverse side for history information)

Improvements: (See reverse side for improvement information)

Acreeage and value of types:

Types	Acreeage	Value per acre	Total Value
Ridge:	130	@ \$1.00	\$130.00
Slope:	377	@ 2.00	754.00
	<u>507</u>		<u>\$884.00</u>

Cove:

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard: 3810.00

Minerals:

Value of Land: \$ 884.00

Value of Improvements: \$ 3810.00

Value of Orchard: \$

50.00
\$4744.00

Value of Minerals: \$

Value of Fruit: \$ 50.00

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 9.35

Incidental damages arising from the taking of this tract: \$ NONE.

HISTORY OF TRACT AND CONDITION OF TIMBER: Because of mineral water springs, used for many years as a health resort. Buildings burned three times, present set dating from 1910-1912. All merchantable timber removed not many years ago. Much fire damage, but not during recent years. Oak - pine type. Crooked, defective trees up to 16" DBH. Mostly oaks and yellow pine left from former stand scattered widely as single trees and in groups. Most of these trees are defective chestnut oak on excessively hard ground to log. The only value of timber is for firewood at the resort and will not average one-half cord per acre.

IMPROVEMENTS: Hotel building: 25x62', 2 story, with front porch 10x42', and attached spring house in the rear, 10x10', uncovered platform, beyond porch 8x20', frame, unfinished inside except as to floors and room height partitions, outside covered with one-half rough boards lapped, shingle roof, one pipe flue, spring water supply, posts and pillar foundation except where on rock, fair condition, dining room, kitchen, pantry, office, 12 bedrooms. One stairway to second story outside and one in.

Amusement building: 96' long, 20' wide in the rear of bowling alleys, 40' wide in front. One story over all. Second story over front part 40x25'. Front porch 8x40'. Outside stairway to second story. On posts with underframe hidden by lattice. All rough and unfinished inside except as to floors, partitions, shelves and counter.

Outside rough 1/2" boards lapped on studding. On first floor, two rooms, one anteroom and one store, each about 10x25', and one large room for bowling alleys and lounging. Two bowling alleys. Second floor comprises one dance hall 40x25', with rough benches around wall. Shingle roof, frame, fair condition.

Cottage: Frame, 16x26', with porch 7x26', 4 rooms, metal roof, 1 1/2 story and basement, 2 rooms, ceiled, poor roof, spring water, post foundation, fair condition.

Helps cabin: One room, rough boards and battens, frame 14x14', shingle roof, post foundation, fair condition.

Chicken coop: 6x10', frame, shingle roof, fair condition.

Outhouse: Frame, 7x8', 2 rooms, shingle roof, good condition.

Springs.

There are five springs on the property near the buildings. Of these four are in use. Two of these have been analyzed and found to contain minerals with medicinal properties and also an algae with radio active properties. This water and the precipitate from it are believed to possess valuable curative properties, especially in the healing of sores.

Value of Land: \$ 324.00

Value of Improvements: \$ 3810.00

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$ 20.00

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 9.33

Incidental damages arising from the taking of this tract: \$

County: Rockingham
District: Stonewall

County: Augusta
District: Middle River

325 - Miller, R. T. (Rockingham Co.)

Acreage Claimed: Assessed 384 A. Deed 599-88 A.

Value Claimed: Assessed \$400.00 Deed
Area: 507.A.

Location: Black Rock Springs just under main Blue Ridge. Mostly in Rockingham and partly in Augusta. Paines Run near Black Rock Gap. Includes hollow between Frayfoot Mt. and Albemarle county line.

Incumbrances, counter claims or laps: None known.

Soil: Shallow. Rocky to all rock. Rock outcrop on ridges and upper slopes. Slopes are moderate to extremely steep. Southeast and west exposure.

Roads: Eight to nine miles rough mountain road to Grottoes.

History of tract and condition of timber: Because of mineral water springs, used for many years as a health resort. Buildings burned three times, present set dating from 1910-1912. All merchantable timber removed not many years ago. Much fire damage, but not during recent years. Oak - pine type. Crooked, defective trees up to 16" D. B. H. Mostly oaks and yellow pine left from former stand scattered widely as single trees and in groups. Most of these trees are defective chestnut oak on excessively hard ground to log. The only value of timber is for firewood at the resort and will not average one-half cord per acre. Reproduction 50 to 100%, mostly oaks, with some pine, hickory, locust, etc.

Improvements: Hotel building: 25x62', 2 story, with front porch 10x42', and attached spring house in the rear, 10x10', uncovered platform, beyond porch 8x20', frame, unfinished inside except as to floors and room height partitions, outside covered with one-half rough boards lapped, shingle roof, one pipe flue, spring water supply, posts and pillar foundation except where on rock, fair condition, dining room, kitchen, pantry, office, 12 bedrooms. One stairway to second story outside and one in. \$1500.00
Amusement building: 96' long, 20' wide in the rear of bowling alleys, 40' wide in front. One story over all. Second story over front part 40x25'. Front porch, 8x40'. Outside stairway to second story. On posts with underframe hidden by lattice. All rough and unfinished inside except as to floors, partitions, shelves, and counter.

(Continued)

Claim of Robert T. Miller

In the Circuit Court of Rockingham County, Virginia, No. _____, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Robert T. Miller

more or less, of land in Rockingham County, Virginia, Defendants.
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Rockingham County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is Robert T. Miller

My post office address is Grottoes, Va.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 600 acres, on which there are the following buildings and improvements: 2 Valuable Mineral Springs the water containing Radio Activity. Also Hotel 40 x 60 ft. two stories, Also Ball Room and Store Room 25 x 40 ft., two stories, with Bowling Alley connecting with same 20 x 60 ft. (See back)
This land is located about 8 miles from Grottoes Virginia, in the Stonewall Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)

The land owners adjacent to the above described tract or parcel of land are as follows:
North Abbott Iron Company
South Black Rock Company
East Brown Estate
West Abbott Iron Company

I acquired my right, title, estate or interest to this property about the year 1890 in the following manner:
By deed from John Miller's heirs.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$75,000.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 75,000.00.

I am the owner of _____ acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$ _____.

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: The plot of the land is in the hands of the Park Engineers.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 13th day of January, 1930.

STATE OF VIRGINIA, COUNTY OF Rockingham, To-wit:

The undersigned hereby certifies that Robt. T. Miller the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 13th day of January, 1930.

Philip R. Cosby
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Also Tenant House 16 x 27, with porches and basement.
Also cabin for cook 10 x 14.
The

There are two additional cottages on this land not described
belonging to other parties. The land on which these cottages
are located belongs to Robert T. Miller.

Also I lot 30 ft. x 200 ft. bought from I. B. Kagey
at a cost of \$45.00.

I claim the following right title estate or interest in the tract or parcel of land described above: in the space claimed above, whether he is sole owner or joint owner and if joint owner give names of the joint owners. If claimant is not sole or joint owner he should set out exactly what right title estate or interest he has in or to the tract or parcel of land described above.

The land owners adjacent to the above described tract or parcel of land are as follows:

West Abbeot Iron Company
I acquired my right title estate or interest to this property about the year 1892 in the following manner:
By deed from John Miller's heirs.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$25,000.00. I claim that the total value of my right title estate or interest in and to this tract or parcel of land with the improvements thereon is \$25,000.00. I am the owner of _____ acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area to the extent of _____ (In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if applicable he should also insert a description of the tract or parcel of land by metes and bounds.)
Remarks: The list of the land is in the upper of the Park
engineers.

(Continue remarks if necessary on the back.)
Witness my signature (or my name and mark attached hereto) this _____ day of _____ 1934.

STATE OF VIRGINIA, COUNTY OF _____
The undersigned hereby certifies that _____ the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief.
this _____ day of _____ 1934.
Notary Public or Justice of the Peace



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE
RICHMOND, VA.

May 21, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 21 day of May in accordance with an order of the circuit court of Rockingham County dated 5/16/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins and others paid to J. R. Switzer, Clerk \$ 2.00 being in full settlement of tract # 325 in the above mentioned cause.

J. M. Purcell
Treasurer of Virginia.

By W. G. Young
DEPUTY TREASURER OF VIRGINIA



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 21, 1934.

J. R. Switzer, Clerk,

Harrisonburg, Virginia.

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 2.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 16th day of May 1934, in the matter of the State Commission on Conservation and Development v Cassandra Lawson Atkins and others, being full and complete settlement for the tract of land known in said proceeding as # 325.

J. Robert Switzer, Clerk
By M. Cowens, Dep. Clerk

Sign original and duplicate
and return to the Treasurer
of Virginia.



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 21, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 21 day of May in accordance with an order of the circuit court of Rockingham County dated 5/16/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins and others paid to Ward Swank, Atty. for Frank Whitesel admr. of Hettie P. Whitesel and for Edith Hayner \$ 736.60 being in full settlement of tract # 325 in the above mentioned cause.

J. M. Purcell
Treasurer of Virginia.

Boyd Young
DEPUTY TREASURER OF VIRGINIA



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 21, 1934

Ward Swank, Atty. for Frank Whitesel, Admr.
of Hettie P. Whitesel and for Edith Hayner,
Harrisonburg, Virginia

Received of J. M. Purcell, Treasurer of
Virginia, the sum of \$ 736.60, in accordance
with an order of the Circuit Court of the county
of Rockingham entered on the 16th day
of May 1934, in the matter of the State
Commission on Conservation and Development v
Cassandra Lawson Atkins and others, being
full and complete settlement for the tract of land
known in said proceeding as # 325.

*Ward Swank atty for
Frank Whitesel admr of
Hettie P. Whitesel decd,
and for Edith Hayner.*

Sign original and duplicate
and return to the Treasurer
of Virginia.



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 21, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 21 day of May in accordance with an order of the circuit court of Rockingham County dated 5/16/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins and others paid to George P. Grattan, III Attorney for J. S. Pirkry S. E. Hinton and Frances R. Grattan \$ 4462.40 being in full settlement of tract # 325 in the above mentioned cause.

J. M. Purcell
Treasurer of Virginia.

W. G. Hanning
DEPUTY TREASURER OF VIRGINIA



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 21, 1934

George G. Grattan III Atty for J. S. Pirkey,
S. E. Hinton, and Frances R. Grattan,
Harrisonburg, Virginia.

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 4,462.40, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 16th day of May 1934, in the matter of the State Commission on Conservation and Development v Cassandra Lawson Atkins and others, being full and complete settlement for the tract of land known in said proceeding as # 325.

George G. Grattan III
Atty for
J. S. Pirkey, S. E. Hinton
& Frances R. Grattan

Sign original and duplicate
and return to the Treasurer
of Virginia.



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE
RICHMOND, VA.

May 21, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 21 day of May in accordance with an order of the circuit court of Rockingham County dated 5/16/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to Hamilton Haas, Attorneys fees \$ 125.00 being in full settlement of tract # 325 in the above mentioned cause.

J. M. Purcell
Treasurer of Virginia.
J. W. Young
DEPUTY TREASURER OF VIRGINIA



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 21, 1934.

Hamilton Haas (Attorney's fee)

Harrisonburg, Virginia.

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 125.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 16th day of May 1934, in the matter of the State Commission on Conservation and Development v Cassandra Lawson Atkins and others, being full and complete settlement for the tract of land known in said proceeding as # 325.

Hamilton Haas

Sign original and duplicate
and return to the Treasurer
of Virginia.

County: Rockingham
 District: Stonewall

#325 - Miller, R. T. (Rockingham Co.)
 # 2 - Miller, R. T. (Augusta County)

Improvements: (Rockingham Co.)

Continued -----	Am't forward	\$1500.00
Outside rough $\frac{1}{2}$ " boards lapped on studding. On first floor, two rooms, one anteroom and one store, each about 10x25', and one large room for bowling alleys and lounging. Two bowling alleys. Second floor comprises one dance hall 40x25', with rough benches around wall.			
Shingle roof, frame, fair condition -----			1000.00
<u>Cottage:</u> Frame, 16x26', with porch 7x26', 4 rooms, metal roof, $1\frac{1}{2}$ story and basement, 2 rooms, ceiled, poor roof, spring water, post foundation, fair condition -----			
			100.00
<u>Helps cabin:</u> One room, rough boards and battens, frame, 14x14', shingle roof, post foundation, fair condition -----			
			50.00
<u>Chicken coop:</u> 6x10', frame, shingle roof, fair condition -----			
			10.00
<u>Outhouse:</u> Frame, 7x8', 2 rooms, shingle roof, good condition -----			
			35.00
<u>Outhouse:</u> Frame, 6x10', shingle roof, fair condition ---			
			10.00
<u>Springs:</u>			
			500.00
			<u>\$3205.00</u>

There are five springs on the property near the buildings. Of these, four are in use. Two of these have been analyzed and found to contain minerals with medicinal properties and also an algae with radioactive properties. This water and the precipitate from it are believed to possess valuable curative properties, especially in the healing of sores.

Value of land by types: (Rockingham Co.)

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Ridge	130	.75	\$97.50
Slope	377	3.00	1131.00
	507		<u>\$1228.00</u>

Total value of land	\$1228.00
Total value of improvements	3205.00
Total value of tract	<u>\$4433.00</u>

Average value per acre \$8.72

Value of land by types: (Augusta County)

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Ridge	18	.75	\$97.50
Slope	41	3.00	123.00
	59		<u>\$136.50</u>

(cont'd)

County: Rockingham
District: Stonewall

#325 - Miller, R. T. (Rockingham Co.)
2 - Miller, R. T. (Augusta County)

(Augusta Co.)

Total value of land	\$136.50
Total value of improvements	25.00
Total value of tract.....	<u>\$161.50</u>
Average value per acre	\$2.74

SUMMARY

		<u>Acreage</u>	<u>Value</u>
Rockingham County	--	507	\$2453.00
Augusta County	--	59	161.50
		<u>566</u>	<u>\$4594.50</u> -Total
Average value per acre			\$8.14.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT
OF THE STATE OF VIRGINIA

v.

CASSANDRA LAWSON ATKINS, &C

On the joint and several petition of Robert T. Miller, Frank Whitesel, Admr. of Hettie P. Whitesel, deceased, Edith Hayner, J. S. Pirkey, S. E. Hinton, and Frances R. Grattan, this day filed by leave of court in the above styled proceeding, seeking the disbursement of the arbitration award of \$5326.00 heretofore paid into the custody of this court for the condemnation of Tract #325 owned by the said Robert T. Miller; and it appearing that, at the time of the entering of the order herein condemning said tract of land, the said Robert T. Miller was the fee simple owner of said tract free from any adverse claim, save for the lien indebtedness thereon as set out in said petition; and it appearing further that there are no delinquent taxes against said land, it is ordered and adjudged that said sum of \$5326.00 be paid out as follows:

To J. R. Switzer, Clerk	\$ 2.00
To Hamilton Haas, atty's fee	125.00
To Ward Swank, atty.for Frank Whitesel, Admr. of Hettie P. Whitesel, and for Edith Hayner	736.60
To George G. Grattan III, atty. for J. S. Pirkey, S. E. Hinton, and Frances R. Grattan	4462.40
	<hr/>
	\$5326.00

The Clerk of this Court is hereby directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay out said fund in accordance herewith, taking from the several parties their receipt for the sums so paid and certifying such payments to the Clerk of this Court for appropriate entry thereof as required by law.

Enter: HWB

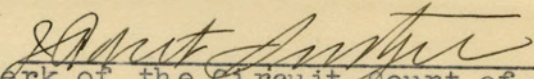
20
182
5/16/34

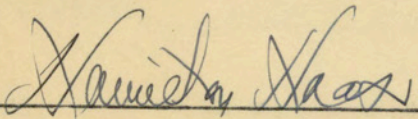
STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County do hereby certify that the records in my office do not show any delinquent taxes against the tracts of 15 acres and 384 acres of land situate in Stonewall District, assessed in the name of Robert T. Miller.

Given under my hand this 8th day of March, 1934.


Clerk of the Circuit Court of Rockingham
County, Virginia

O. K.  _____, Attorney

M. H. HARRISON
TREASURER OF ROCKINGHAM COUNTY
HARRISONBURG, VIRGINIA

TO WHOM IT MAY CONCERN:

I hereby certify that the records of this office show that R. T. Miller has paid the taxes for the year 1933 on his tracts of 15-0-0 and 384-0-0 acres of land situate in the Park Area in Stonewall District, Rockingham County.

All taxes prior to that time, if any be due, are a matter of record in the Clerk's Office of said County.

Given under my hand this 8th day of
March 1934.

M. H. Harrison, Treasurer

By E. A. Zigler Deputy.

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT
OF THE STATE OF VIRGINIA

v.

CASSANDRA LAWSON ATKINS, &C

To the Honorable H. W. Bertram, Judge of the Circuit
Court of Rockingham County, Virginia:

The joint and several petition of Robert T. Miller, Edith
Hayner, Frank Whitesel, Admr. of Hettie P. Whitesel, deceased, J. S.
Pirkey, S. E. Hinton, and Frances R. Grattan, respectfully repre-
sents as follows:

That an order has been heretofore entered in the above
styled proceeding, pending in your honor's court, whereby there was
condemned to the use of The State Commission on Conservation and
Development, the petitioner in said proceeding, the fee simple es-
tate in the tract of land numbered and designated in the papers in
said proceeding as Tract #325, upon the payment into the custody of
your honor's court of the sum of \$5326.00, being the award made for
said tract of land by the board of arbitration, pursuant to an ar-
bitration agreement heretofore entered into.

Your petitioner Robert T. Miller avers and represents that,
at the time of the entering of said order of condemnation, he was the
fee simple owner of said tract of land, as is shown by the report of
the Board of Appraisal Commissioners heretofore filed, save for cer-
tain lien indebtedness against said land as hereinafter set out.

By deed of trust executed under date of October 24, 1916,
recorded in the County Clerk's Office of Rockingham County, in Deed

Book 106 at page 157, your petitioner Robert T. Miller and Minnie A., his wife, conveyed to George G. Grattan, Jr., trustee, along with certain other real estate, fifteen (15) acres of said tract #325, to secure the payment of seven certain bonds, as follows: \$3000.00 to Annie Johnson, \$895.42 to Linnie A. Bateman, \$169.57 to Maggie C. Roudabush, \$400.00 to H. F. Burkholder, \$400.00 to Fannie C. Bear, \$212.00 to John F. Bateman, and \$157.84 to Frances R. Grattan, aggregating \$5234.83. Four of the aforesaid bonds, the one for \$3000.00 made payable to Annie E. Johnson, the one for \$895.42 to Linnie A. Bateman, the one for \$400.00 to Fannie C. Bear, and the one for \$212.00 to John F. Bateman, are all now owned and held by your petitioner J. S. Pirkey, assignee thereof; two of said bonds, the one for \$169.57 to Maggie C. Roudabush and the one for \$400.00 to H. F. Burkholder, are now owned and held by your petitioner S. E. Hinton, assignee thereof; and the remaining bond for \$157.84 is still held and owned by your petitioner Frances R. Grattan. Your petitioners J. S. Pirkey, S. E. Hinton, and Frances R. Grattan, further aver that no payment has been made on the principal of any of said bonds and that considerable interest has accrued thereon, and that the amount due on said bonds with interest to the several bondholders aforesaid as of May 20, 1934, is as follows: To J. S. Pirkey \$6199.14, to S. E. Hinton \$691.39, and to Frances R. Grattan \$163.18, aggregating \$7053.71 in all, as of May 20, 1934.

By deed of trust of November 24, 1924, recorded in said Clerk's Office in Deed Book 130 at page 481, your peititioner Robert T. Miller and his wife conveyed to Ward Swank, trustee, three hundred eighty four acres of said tract #325, other than that covered by the Grattan deed of trust aforesaid, to secure the payment of two certain bonds, one in the amount of \$500.00, made payable to Hettie P. Whitesel,

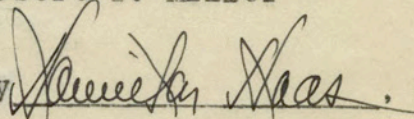
and the other in the amount of \$80.00 made payable to E. M. Swank. Your petitioner Frank Whitesel avers that the said Hettie P. Whitesel has departed this life and on the 3rd of July, 1933, he qualified as administrator of her estate before the clerk of your honor's court and that, as such administrator, he is the present holder of the said \$500.00 bond; that there is now due on said bond the whole of the principal thereof with interest from November 20, 1929, amounting in all to \$635.00 as of May 20, 1934. Your petitioner Edith Hayner avers that she is the assignee and present holder of the \$80.00 bond aforesaid, and that there is now due on said bond the entire principal thereof with interest from November 20, 1929, amounting in all to \$101.60, making \$736.60 the gross amount due under the Swank deed of trust as of May 20, 1934.

Your petitioner Robert T. Miller, as the owner of the land aforesaid, verifies the correctness of the several amounts due to the remaining petitioners under the two deeds of trust as hereinbefore set out.

Wherefore your undersigned petitioners pray that they may be allowed to file this their petition in said condemnation proceeding; that an order may be entered in said proceeding for the proper disbursement among the aforesaid bondholders, after allowing a reasonable fee to Hamilton Haas, attorney for the said Robert T. Miller, for his services in this connection.

And your petitioners will ever pray, &c.


Robert T. Miller

By  , his atty.,

Frank Whitesel, Admr., of Hettie P. Whitesel, deceased.

Edith Hayner

By Wm. Brown, their attorney.

J. S. Pirkey

S. E. Hinton

Frances R. Grattan

By G. G. Grattan, their attorney.

Virginia, Rockingham County, towit;

This day Robert T. Miller, personally appeared before me, a notary public in and for the County and State aforesaid, and after being first duly sworn on his oath says that he is one of the foregoing named petitioners and that the allegations of said petition are true and correct to the best of his knowledge and belief.

Given under my hand this 14th day of May, 1934.

Philip R. Cooby
NOTARY PUBLIC

My commission expires March 7th 1938

The State Commission on
Conservation and Development
of The State of Virginia

v.

Cassandra Lawson Atkins, &c.

Petition of Robert T. Miller
and others

HAAS AND HAAS
LAW OFFICES
HARRISONBURG, VA.

NATIONAL BANK BUILDING

NOTE—This need not be filed until the record discloses that the awards have been paid into the custody of the Courts.

Virginia: In the Circuit Court of Rockingham County

The State Commission on Conservation and Development of the State of Virginia . . PETITIONER.
V. At Law No. 1829

Cassandra Lawson Atkins and others, and Fifty-Two Thousand, Five Hundred and Sixty-One (52,561) Acres of land, more or less DEFENDANTS.

Comes now the undersigned and shows to the Court:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the Petitioner the fee simple estate in the tract(s) of land numbered as follows: Tract No. 325 :
Tract No. _____: Tract No. _____;

and described in the report of the Board of Appraisal Commissioners appointed herein and shown, numbered, and delineated on the County Ownership Map filed therewith, upon payment into the custody of the Court of the sum(s) set out in the said judgment as constituting the award(s) therefor, as follows:

Award on Tract No. _____ \$_____; on Tract No. _____ \$_____; on Tract No. _____ \$_____;

That the report of the said Board sets forth that the following named persons claim, or appear to have a claim to an interest in the said tract(s) of land or in the proceeds arising from the condemnation thereof;

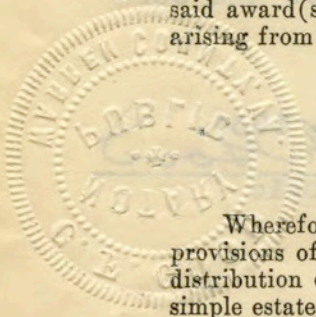
Robert T. Miller

That the Petitioner has paid into the custody of the Court the said sum(s) set out in said judgment as constituting the award(s) for the fee simple estate in the said tract(s) of land;

That your undersigned, on the date of the said judgment in rem condemning the said tract(s) of land, owned or was (were) entitled to the following interest in the said tract(s) or in the proceeds arising from the condemnation thereof:—

By reason of contribution pledge, obligating the owner, Robert T. Miller, to give 50 acres of his land within the Park Area to the Park Project.

That no other person or persons than the undersigned are entitled to share in the distribution of the said award(s) except the following named persons whose interest in said tract(s) or in the proceeds arising from the condemnation thereof on the date of entry of said judgment was as follows:



Wherefore, your undersigned pray(s) that [he (they) be made a party (parties) herein under the provisions of Section 21 of the Public Park Condemnation Act, and that] an order be entered for the distribution of said sum(s) set forth in said judgment in rem as constituting the award(s) for the fee simple estate in the said tract(s) condemned as aforesaid, and for the payment to the undersigned of the said award(s) or of as much thereof as the Court may find that the undersigned is (are) entitled to receive, and which the undersigned aver(s) is as follows: Tract No. 325 \$ 37,500 : Tract No. _____ \$ _____: Tract No. _____ \$ _____;

The undersigned further aver(s) that: (Leave this space blank unless there is some other pertinent matter to be brought specially to the attention of the court)

NAME	P. O. ADDRESS
STATE COMMISSION ON CONSERVATION	-----
& DEVELOPMENT	-----
BY <u>Ellett Marshall</u>	-----
-----	-----

NOTE—A supply of this blank form has been placed in the Clerk's office for the convenience of interested parties. No one is required to use this form, as the form is not prescribed by law, and claimants can either change or modify it as they deem necessary, or present their motions in any form they may desire which meets with the approval of the Court. This blank form may not and probably will not cover all cases. It has been printed merely as a suggestion of a form of a motion which may be used, subject to the approval of the court in each case.

Note—This need not be filed until the record discloses that the awards have been paid into the custody of the Court.

Virginia: In the Circuit Court of Rockingham County

The State Commission on Conservation and Development of the State of Virginia . . . PETITIONER

V. At Law No. 1838

DEFEENDANTS
Cassandra Lawson Atkins and others, and Fifty-Two Thousand Five Hundred and Sixty-One (52,561) Acres of land, more or less

Comes now the undersigned and shows to the Court:
That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the
Petitioner the fee simple estate in the tract(s) of land numbered as follows: Tract No. 352

STATE OF VIRGINIA)
COUNTY OF WARREN) SS
and described in the report of the Board of Appraisal Commission filed in the County Court of the County of Warren, and delineated on the County Ownership Map filed thereon, as follows:
The Court of the said (s) set out in the said judgment as constituting the award(s) heretofore, as follows:

Personally appeared before me the undersigned Notary

Public in my said State and County, E. K. Stokes, who being
duly sworn, deposed and said that she is an employee of the

State Commission on Conservation and Development in immediate
charge of the records of the Shenandoah National Park Division

thereof having to do with claims of the Commission for dis-
tributive shares of condemnation awards in the Shenandoah

National Park condemnation proceedings pending in the Circuit
Courts of Virginia, by reason of contracts and agreements en-

tered into with the owners of lands sought to be condemned in
these proceedings, and that the within claim is just and cor-

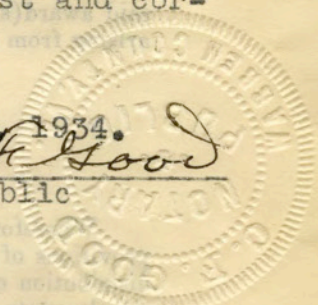
rect.

Witness my signature this 8th day of January, 1934.

Chas. F. Good

NOTARY PUBLIC Notary Public

My Commission Expires Sep. 8, 1934



The undersigned further aver(s) that: (Leave this space blank unless there is some other parti-
sent matter to be brought specially to the attention of the court)
No. _____ : Tract No. _____
receive and which the undersigned aver(s) is as follows: Tract No. 352 : Tract No. 352

P. O. ADDRESS

NAME

STATE COMMISSION ON CONSERVATION

Note—A supply of this blank form has been placed in the Clerk's office for the convenience of interested parties. No one is required to use this form as the form is not prescribed by law, and claimants can make changes or modify it as they deem necessary or present their matter in any form they may desire which meets with the approval of the Court. This blank form may not and probably will not cover all cases. It has been printed merely as a suggestion of a form of a motion which may be used, subject to the approval of the court in each case.

In the Circuit Court of Rockingham County, Va.

The State Commission on Conservation
and Development of the State of Virginia

Filed in the Clerk's Office
Rockingham County, Va.

v.) Condemnation

SEP 29 1932

J. P. [Signature] Clerk

Cassandra Lawson Atkins, &c.

Now comes the undersigned defendant Robert T. Miller and moves the Court to decline to accept the report of the board of appraisal commissioners heretofore filed in this proceeding, with respect to claim #325, and to disapprove the findings of fact therein contained, on the following grounds:

That the allowance or award made for the land of the said Robert T. Miller, to-wit the sum of \$4744.00, is grossly inadequate - so inadequate as to indicate that said board was affected or influenced by some error, mistake or misapprehension of facts as to the identity of said land, or some mistake of law as to the nature and effect of the evidence considered.

That the findings of said report are too indefinite and uncertain to serve any useful purpose in the adjudication of this proceeding, no specific allowance having been made for the valuable mineral healing springs on said property.

The said Robert T. Miller places a value of \$25,000.00 on said property; and rather than accept a lesser sum, he would prefer for his land to be excluded from the park area sought to be condemned in this proceeding.

The affidavit of the undersigned is filed herewith in support of this motion.

September 29, 1932.

ROBERT T. MILLER

By *William Haas*, Atty.

Virginia, City of Harrisonburg, to-wit;

This day Robert T. Miller personally appeared before me, Janet Sprinkel, a notary public in and for the City of Harrisonburg, in the State of Virginia, and after being first duly sworn on his oath says that he is the owner of the property situate mainly in Rockingham and partly in Augusta County, known as the Black Rock Springs property, containing approximately 600 acres; that in the year 1910, at a cost of approximately \$10,000.00, affiant erected a hotel building and other improvements on said property, where he conducted and operated until two years ago a summer resort with a capacity of 25 guests; that there are four mineral springs on said property, two of which have been analyzed and found to contain extremely valuable healing qualities, particularly beneficial to skin diseases; that one of said analyzed springs has a flow of 3500 gallons every 24 hours, and the other of 500 gallons; that affiant has for a number of years marketed and sold great quantities of the water from the said two springs, shipping same all over the United States, at the price of 20¢ per gallon; that, while in recent years the sale of said water has been considerably curtailed, your affiant has in times past sold as much as 17,500 gallons in one year, at the rate of 20¢ per gallon, yielding a return of \$3500.00. In the year 1920, affiant refused an offer of \$30,000.00 for said property.

Given under my hand this 23d day of September, 1932.

Janet Sprinkel
NOTARY PUBLIC

A. R. Mowry — Grottoes, Va

C. E. Long —

Dr. Geo. W. Parrott —

Issue summonses for above
witnesses for R. T. Miller in
Park Arbitration hearing for
Saturday Nov. 4, 1933, at 10:00 a.m.

No. 325

RETURN IN FIVE DAYS TO
J. ROBERT SWITZER, CLERK
Circuit Court of Rockingham County
HARRISONBURG · VIRGINIA

STATEMENT

OF) Hamilton Haas, p.q.

R. T. MILLER

Filed 8/28/33

STATEMENT OF COSTS, POSTAGE, ETC.:

AUG 28 1933

IN RE: Arbitration of Shenandoah National Park Condemnation Case
Robert E. Smith Clerk

The undersigned R. T. Miller, an exceptant to the report filed by the Board of Appraisal Commissioners in the Shenandoah National Park condemnation case, pending in the Circuit Court of Rockingham County, respectfully shows as follows:

(a) That the tract claimed by said exceptant is shown on the map filed in said proceeding as tract #325.

(b) That the acreage claimed by said exceptant in said tract is 507 acres and that exceptant is the owner of the fee simple title there-to, subject to existing liens.

(c) That exceptant values said land as follows:

130 acres	Ridge	@	\$ 1 ⁰⁰	\$ 130.00	
377 acres	Slope	@	\$ 2 ⁰⁰	\$ 754.00	884.00

(d) That the buildings, timber, mineral water, and other improvements on said land are valued as follows:

Hotel buildings and other improvements	\$ 5000.00
Four mineral springs, one with a flow of 3500 gallons every 24 hours and one with a flow of 500 gallons every 24 hours, containing valuable healing qualities	\$ 25000.00
Fruit trees	\$ 50.00
Timber	\$ 100.00
	<u>30,130.00</u>
	\$ 3,014.00

Aggregate value

Given this 22 day of August, 1933.

R. T. Miller

Sworn to and subscribed before me, a notary public in and for the County of Harrisonburg, in the State of Virginia, this 22nd day of August, 1933.
Rockingham

~~R. T. Miller~~, N. P.

W. D. Black
Notary Public

My Commission Expires July 7, 1937

Wm. H. Haas, aty.

MILLER. R. T.
325
ROCKINGHAM COUNTY

Filed in the Clerk's Office
Rockingham County, Va.

SEP 9 1933

J. Robert Smith Clerk

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Miller, R. T.

ORIGINAL CLAIM: Acreage 600: Value \$75,000: Inc. Damages

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
325	\$4433.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 325

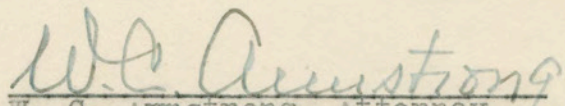
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
325	\$4744.00	None

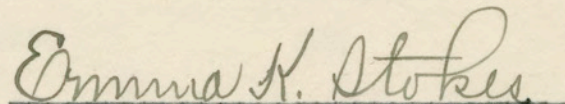
The basic differences between Petitioner and this exceptant are as to the classification and value of the land and improvements, buildings, timber values and mineral rights.

Although we believe the values reported by the petitioner's appraisers were very liberal and that the findings of the Board of Appraisal Commissioners as to values are substantially too high, we have accepted and will not seek a lower valuation than their findings as shown on the above tables in this case.

As to the classification of the land and the other elements of value we submit that these matters are correctly set forth in the Work Sheet of the Board with reference to this case, and not as set forth in exceptant's statements. This Work Sheet is filed with the record and a copy of this Work Sheet is submitted with copy of the record tendered herewith, and additional copies of the Work Sheet in this case will be furnished if desired.


W. C. Armstrong, Attorney
for petitioner.

Subscribed to and verified before me this the 8th day of September, 1933.


Emma K. Stokes, Notary Public.

MILLER, R. T.
2
AUGUSTA COUNTY

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation Proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Miller, R. T.

ORIGINAL CLAIM: Acreage 600 : Value \$75,000.00 : Inc. Damages

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INC. DAMAGES</u>
2	\$161.50	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 2

VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INC. DAMAGES</u>
2	\$175.00	None

Copies of this statement are attached to the statement of Petitioner filed in the County in which the major portion of the land lies, and in which this exceptant has filed his statement.

VIRGINIA. IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

The State Commission on Conservation & Development, of the State of Virginia, Petitioner,

v.

Cassandra Lawson Atkins, et als, defendants.

In Re: Distribution of proceeds of condemnation for tract No. 325.

This day came the State Commission on Conservation & Development, by counsel, and moved the Court to enter an order directing the Treasurer of the State of Virginia, to pay to it, out of the proceeds of condemnation of Tract No. 325, the sum of \$37.50, representing the amount of a certain pledge made by R. T. Miller, who claimed to be the owner of said tract, to said State Commission on Conservation & Development, as a contribution for the establishment of Shenandoah National Park, and in support of its said motion the said Commission exhibited to the Court, its motion in writing setting forth all the facts in relation thereto, which has been heretofore filed herein.

Upon consideration whereof, it appearing to the Court that the claim of said Commission is not based upon any lien, either on the land condemned or on the proceeds of condemnation, and that said Commission has failed to obtain the consent of the parties entitled to the proceeds of condemnation to the payment of its claim, it is accordingly adjudged, and ordered that the motion of the Commission for the payment of said claim out of the proceeds of condemnation for said tract, be and the same is hereby denied.

Eutjw

*20
/ 371*

6/20/35